

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

PHYSICIANS HEALTHSOURCE, INC., an) Civil Action No.: 1:14-cv-2075-SEB-TAB
Ohio corporation, individually and as the)
representative of a class of similarly-situated)
persons,)
)
Plaintiff,)
)
)
v.) **STIPULATION REGARDING**
) **WITHDRAWAL OF MOTION FOR**
) **CLASS CERTIFICATION**
ESAOTE NORTH AMERICA, INC. and)
JOHN DOES 1-10,)
)
)
Defendants.)

Plaintiff Physicians Healthsource, Inc. (“PHI”) and Defendant Esaote North America, Inc. (“Esaote”) hereby stipulate and agree as follows:

1. In accordance with *Damasco v. Clearwire Corp.*, 662 F.3d 891 (7th Cir. 2011), PHI filed a Motion for Class Certification (Doc. No. 5) shortly after the filing of the Complaint (Doc. No. 1) to prevent a settlement attempt that would moot the class allegations. At this time, the issues concerning the propriety of class certification have not been adequately developed and are not ripe for resolution by the Court.

2. Esaote promises that it will not offer to settle PHI's individual claim or submit an offer of judgment regarding PHI's individual claim in an effort to deprive the Court of jurisdiction, dismiss the entire action, or prevent the certification of a class. Esaote further promises that, should it make a settlement offer or offer of judgment to PHI, such offer will not be intended to deprive this Court of jurisdiction and will not be relied upon in any motion to dismiss this action.

3. In reliance on the above-stated promises, PHI promises to withdraw the Motion for

Class Certification with one day of the filing of this Stipulation.

4. The parties further agree that the withdrawal of the existing Motion for Class Certification (Doc. No. 5) will not preclude, bar, or otherwise limit PHI from filing a subsequent motion for class certification in this matter.

/s/ Eileen M. Hunter

Eileen M. Hunter (*pro hac vice*)
Aaron D. Van Oort (*pro hac vice*)
Erin Verneris (*pro hac vice*)
Faegre Baker Daniels, LLP
90 S. 7th Street
2200 Wells Fargo Center
Minneapolis, MN 55402
612-766-7000
612-766-1600 (fax)

Eileen.hunter@faegrebd.com
Aaron.vanoort@faegrebd.com
Erin.verneris@faegrebd.com

David A. Given (15-749-49)
Faegre Baker Daniels, LLP
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204
317-237-0300
317-237-1000 (fax)
David.given@faegrebd.com

*Counsel for Defendant Esaote North America,
Inc.*

/s/ Matthew E. Stubbs

MATTHEW E. STUBBS (21486-15)
MONTGOMERY, RENNIE & JONSON
36 E. Seventh Street, Suite 2100
Cincinnati, Ohio 45202
(513) 241-4722
(513) 241-8775 (fax)
Email: gjonson@mrjlaw.com
mstubbs@mrjlaw.com

Brian J. Wanca (3126474)
Ryan M. Kelly
ANDERSON + WANCA
3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008
847-368-1500
847-368-1501(fax)
Email: bwanca@andersonwanca.com
rkelly@andersonwanca.com

*Counsel for Plaintiff Physicians Healthsource,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

/s/ Matthew E. Stubbs